

### **REMARKS**

Claims 1-20 are pending upon entry of this amendment. Claims 1 and 11 have been amended. The amendments to the claims simply clarify the language and do not change the scope of the claims.

#### **Terminal Disclaimer and Double Patenting Rejections**

Claims 1, 2, 11, and 12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5, 10, 11, 13-15, and 17 of co-pending Application No. 10/279,005.

Merely to obviate the double patenting rejections, a terminal disclaimer signed by the attorney of record is submitted herewith over co-pending Application No. 10/279,005. Withdrawal of the rejections is therefore requested.

#### **Rejections under 35 U.S.C. § 102 in view of Wada**

Claims 1, 2, 4, 7-9, 11, 12, and 19 were rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Wada (EP 1 306 725 A1 ("EP '725") or U.S. Patent Appn. US 2003/0082482 A1 ("US '482")). Applicants respectfully traverse.

Neither Wada reference is prior art to the present application. The present application claims priority to JP 2002-207319 ("JP '319"), which has a filing date of July 16, 2002. In accordance with 37 CFR 1.55, a certified copy of an English translation of JP '319 is enclosed herewith for the Examiner's reference. The publication date of EP '725 is February 5, 2003, which is after the priority date of July 16, 2002 of the present application. US '482 has a filing date of October 24, 2002, which is after the priority date of July 16, 2002 of the present application.

Withdrawal of the rejections is therefore requested.

#### **Rejections under 35 U.S.C. § 102 in view of Van Zoeren**

Claims 1, 2, 11, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Van Zoeren (U.S. Patent No. 5,858,604). Applicants respectfully traverse.

Claims 1, 2, 11, and 12, as amended, require the IR ablation layer to be “consisting of an IR absorbent metal.” Van Zoeren discloses a layer of infrared sensitive material. Such infrared sensitive material “should include an infrared radiation absorbing agent,” examples of which include metals. (Column 5, lines 16-26). In addition, Van Zoeren discloses that the “infrared radiation sensitive material of the infrared sensitive layer **must also include at least one binder** which is self-ablative.” (Column 6, lines 14-16). Further, Van Zoeren states that “there must be sufficient self-ablative binder present in the layer of infrared radiation sensitive material so that the infrared irradiated areas of the infrared-sensitive layer ablate or oxidize...” (Column 6, line 66 – column 7, line 3) As a result, the layer of an infrared radiation sensitive material disclosed by Van Zoeren includes at least an infrared and a self-ablative binder. The Examiner has noted that the metallic materials used as infrared radiation absorbing agent in Van Zoeren “can be applied with and without a binder.” (Column 5, lines 26-27) Applicants respectfully submit that the sentence refers to the application of the metallic materials only, and does not eliminate the presence of **at least one binder** in the infrared sensitive layer.

Because the self-ablative binder is an essential element in the infrared radiation sensitive layer of Van Zoeren, Van Zoeren fails to teach or suggest an IR ablation layer as a layer consisting of an IR absorbent metal as presently claimed. Therefore, claims 1, 11, and their respective dependent claims are not anticipated by Van Zoeren. Withdrawal of the rejections is therefore requested.

Rejections under 35 U.S.C. § 103 in view of Wada and Takeda

Claims 3, 5, 6, 10, 13-18, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wada in view of Takeda (U.S. Patent No. 5,858,604). Applicants respectfully traverse.

As stated previously, neither Wada reference is prior art to the present application.

Takeda discloses a light shielding layer containing a water-soluble or aqueous alkali-soluble resin as a main component and a near-infrared absorbing dye. (Column. 24, lines 8-10 and 37-39) Takeda neither teaches nor suggests the IR ablation layer as a layer consisting of an IR absorbent metal, as presently claimed. Neither is there any motivation taught or suggested by Takeda to modify its light shielding layer to include an IR absorbent metal layer. One having ordinary skill in the art at the time of the invention would not have reached the presently claimed invention using Takeda.

For at least the reasons stated above, a *prima facie* case of obviousness has not been established.. Withdrawal of the rejections is therefore requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application, and the timely allowance of the pending claims.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,



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Enclosure:  
Certified copy of English translation of JP 2002-207319

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